

HOUSE No. 982

By Mr. Ayers of Quincy, petition of Bruce J. Ayers relative to the accessibility of certain criminal history record information. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO INCREASING THE AVAILABILITY OF CRIMINAL HISTORY RECORD INFORMATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 172 of Chapter 6 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 inserting at the end of the first paragraph the following sen-
4 tence:— “For the purposes of clause (c), it shall be presumed that
5 the public interest in disseminating such information clearly out-
6 weighs the interest in security and privacy where the criminal his-
7 tory record information requested relates to sexual assaults upon
8 children or obscenity and the individual in question will have
9 direct contact with or authority over children.”

1 SECTION 2. Chapter 6 of the General Laws, as appearing in
2 the 1996 Official Edition, is hereby amended by inserting after
3 section 172B the following new section:—

4 Section 172C. Notwithstanding any provision in section 172 in
5 this chapter or any other provision of the law, the person or per-
6 sons in each city and town of the commonwealth who is respon-
7 sible for evaluating applications submitted for a public safety
8 appointment, shall have access to all criminal history record infor-
9 mation including sealed records in order that an informed evalua-
10 tion of the applicant may be made. All information received is to
11 be considered confidential and therefore said person or persons
12 who receive such information shall not make and shall prohibit,

13 any dissemination of such information for any purpose other than
14 as set forth herein.

1 SECTION 3. Section 100A of Chapter 276 of the General
2 Laws, as appearing in the 1996 Official Edition, is hereby
3 amended in line 49 by striking out the words:— “or of any polit-
4 ical subdivision thereof”.

1 SECTION 4. Section 172 of Chapter 6 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby amended by
3 deleting the seventh paragraph in its entirety and inserting in place
4 thereof the following new text:—

5 “Information pertaining to certain individuals shall be provided
6 or made available under the following circumstances: (i) if the
7 individual named in the request has been convicted of a felony or
8 a violation of a domestic restraining order issued pursuant to sec-
9 tions eighteen, thirty-four B or thirty-four C of chapter two hun-
10 dred eight, section thirty-two of chapter two hundred nine A, or
11 section fifteen or twenty of chapter two hundred nine C, regard-
12 less of the sentence imposed, from the date of conviction until
13 five years after the individual’s release from all custody or super-
14 vision or five years from the date of the conviction whichever is
15 later; (ii) if the individual named in the request has been convicted
16 of a misdemeanor other than a violation of a domestic restraining
17 order as enumerated above, regardless of the sentence imposed,
18 from the date of conviction until three years after the individual’s
19 release from all custody or supervision or three years from the
20 date of conviction, whichever is later; (iii) if the individual named
21 in the request has been convicted of indecent assault and battery
22 of a child under fourteen in violation of section thirteen B of
23 chapter two hundred sixty-five; indecent assault and battery on a
24 child of fourteen years of age or older in violation of section thir-
25 teen H of chapter two hundred sixty-five; rape in violation of
26 section twenty-two of chapter two hundred sixty-five; rape of a
27 child under sixteen in violation of section twenty-two A of chapter
28 two hundred sixty-five; assault with intent to commit rape in vio-
29 lation of section twenty-four of chapter two hundred sixty-five; or
30 assault of a child under sixteen with the intent to commit rape in
31 violation of section twenty-four B of chapter two hundred sixty-

32 five; or has been committed to the Treatment Center for the Sexu-
33 ally Dangerous, from the date of the conviction for the life of such
34 a person.”

1 SECTION 5. Section 172 of Chapter 6 of the General Laws, as
2 appearing in the 1996 Official Edition, is hereby further amended
3 by striking out the second numbered clause in the last sentence of
4 the eighth paragraph and inserting in place thereof the
5 following:—

6 “(2) court records of public judicial proceedings, except as
7 impoundment of such records may be otherwise required by law.”